



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, }  
Plaintiff, } CASE NO. SA CR 15-0066  
v. } ORDER OF DETENTION  
RAFAEL DAVILA, JR. }  
Defendant. }

I.

A.  On motion of the Government in a case allegedly involving:

1.  a crime of violence.
2.  an offense with maximum sentence of life imprisonment or death.
3.  a narcotics or controlled substance offense with maximum sentence of ten or more years .
4.  any felony - where the defendant has been convicted of two or more prior offenses described above.
5.  any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C § 2250.

B.  On motion by the Government /  on Court's own motion, in a case

1 allegedly involving:

2 (✓) On the further allegation by the Government of:

3 1. (✓) a serious risk that the defendant will flee.

4 2. ( ) a serious risk that the defendant will:

5 a. ( ) obstruct or attempt to obstruct justice.

6 b. ( ) threaten, injure, or intimidate a prospective witness or juror or  
7 attempt to do so.

8 C. The Government (✓) is/ ( ) is not entitled to a rebuttable presumption that no  
9 condition or combination of conditions will reasonably assure the defendant's  
10 appearance as required and the safety of any person or the community.

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12 II.

13 A. (✓) The Court finds that no condition or combination of conditions will  
14 reasonably assure:

15 1. ( ) the appearance of the defendant as required.

16 ( ) and/or

17 2. ( ) the safety of any person or the community.

18 B. ( ) The Court finds that the defendant has not rebutted by sufficient  
19 evidence to the contrary the presumption provided by statute.

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21 III.

22 The Court has considered:

23 A. the nature and circumstances of the offense(s) charged, including whether the  
24 offense is a crime of violence, a Federal crime of terrorism, or involves a minor  
25 victim or a controlled substance, firearm, explosive, or destructive device;

26 B. the weight of evidence against the defendant;

27 C. the history and characteristics of the defendant; and

28 D. the nature and seriousness of the danger to any person or to the community.

1 IV.  
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The Court also has considered all the evidence adduced at the hearing and the arguments and/or statements of counsel, and the Pretrial Services Report/recommendation.

5 V.  
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The Court bases the foregoing finding(s) on the following:

- 8 A. () As to flight risk: *Schmidt submits to defendant.*  
9 B. () As to danger:

10 VI.  
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- A. () The Court finds that a serious risk exists that the defendant will:  
1. () obstruct or attempt to obstruct justice.  
2. () attempt to/ () threaten, injure or intimidate a witness or juror.

B. The Court bases the foregoing finding(s) on the following: \_\_\_\_\_  
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23 VII.  
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- A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.  
B. IT IS FURTHER ORDERED that the defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving

1           sentences or being held in custody pending appeal.

2           C. IT IS FURTHER ORDERED that the defendant be afforded reasonable  
3           opportunity for private consultation with counsel.

4           D. IT IS FURTHER ORDERED that, on order of a Court of the United States  
5           or on request of any attorney for the Government, the person in charge of  
6           the corrections facility in which the defendant is confined deliver the  
7           defendant to a United States marshal for the purpose of an appearance in  
8           connection with a court proceeding.

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12           DATED: June 29, 2015

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14           HONORABLE JAY C. GANDHI  
15           UNITED STATES MAGISTRATE JUDGE

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